

### **REMARKS**

This reply is submitted in response to the Restriction Requirement dated April 9, 2009.

Claims 1-48 are before the Examiner. Claims 1 and 26 have been amended to require that the reaction mixture comprises at least 1% by weight of the carbon dioxide, which is supported by the claims as originally filed and page 11, lines 16-18 of the published specification (WO 99/64376). No new matter has been added.

Please reconsider the application in light of the above amendments and following remarks.

#### **Restriction Requirement**

Claims 1-48 are pending and have been subjected to a six way restriction requirement. Applicant respectfully disagreed with restriction requirement. However, Applicant elected the claims of Group I, claims 1-9, 13-39, 42-48 drawn to a process of preparing epoxides, with traverse. Further, Applicant elects the species of epoxyoctane, with traverse.

In the event the Examiner does not withdraw the restriction requirement, Applicant requests rejoinder of the claims under MPEP § 821.04(b) upon any future indication of allowability. Further, Applicant requests rejoinder of Groups V and VI with Group I.

The Examiner states that claim 1-9, 13-39 and 42-48 are not patentable, and thus all other embodiments are withdrawn. Applicant respectfully disagrees and submits that the elected species as claimed is patentable, thus Applicant requests examination of other members of the group.

#### **Claim Objections**

Claims 1-9, 13-39 and 42-48 are objected to as containing non-elected subject matter. Applicant respectfully disagrees. Since the elected species is patentable, Applicant Respectfully submits this objection is in error and requests that it be withdrawn.

#### **Rejection under 35 USC § 112, first paragraph**

Claims 1-7, 9, 13, 14, 18-33, and 36-39 are rejected under 35 USC § 112, first paragraph. Applicant notes that claim 15 has not be rejected under 35 USC § 112, first paragraph. The

content of claim 15 has been amended into claim 1 and claim 26.

Claims 1-7, 9, 13, 14, 18-33, and 36-39 are directly or indirectly dependent on claim 1 or claim 26, thus the rejected claims are now allowable. Withdrawal of the rejection is requested.

Rejection under 35 USC § 112, second paragraph

Claims 1-3, 5-9, 13-17, 19-27, 30-35 and 37-39 are rejected under 35 USC § 112, first paragraph for using group names in the Periodic Table of the Elements. Applicant respectfully disagrees however to further the prosecution process has deleted the offending language and inserted a Markush group of metals supported by page 7, lines 8-10 of the published application (WO 99/64376). Withdrawal of the rejection is requested.

Information Disclosure Statement

An Information Disclosure Statements is attached.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and respectfully requests notice of such.

Please charge any deficiency in fees or credit any overpayments during the entire pendency of this case to Deposit Account No. 05-1712. Please also charge any petition fees, including fees for extensions of time necessary for the pendency of this case or copendency of this application with another application at any time to Deposit Account No. 05-1712.

Respectfully submitted,

Date: May 29, 2009

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